

ADVERSE REPORT
CITY COUNCIL DEC 03 2001

**Standing committees
AGENDA**

Entered -12-29-00 - sb
CL 00L0754 - GWENDOLYN BURNS

01-*R*-1951

CLAIM OF: STAN BLOOM
510 East Ponce De Leon Ave, Unit S
Atlanta, Georgia 30030

For vehicular damages alleged to have been sustained as a result of a construction site in the road that was unsecured and left in an open and unsafe condition on December 1, 2000 at Lenox Road, NE and Woodland Avenue, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

Handwritten signature
ATLANTA CITY COUNCIL, PRESENT
DEC 3 2001

CERTIFIED
DEC 03 2001

Handwritten signature
DEPUTY MUNICIPAL CLERK

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: _____

CHAIR: _____



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

December 6, 2001

Stan Bloom
510 East Ponce de Leon Ave.
Unit S
Atlanta, GA 30030

01-R-1951

Dear Mr. Bloom:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on December 03, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0754

Date: November 14, 2001

Claimant /Victim STAN BLOOM
BY: (Atty) (Ins. Co.) _____
Address: 510 East Ponce De Leon Avenue, Unit S, Atlanta, Georgia 30030
Subrogation: _____ Claim for Property damage \$ 117.95 Bodily Injury \$ _____
Date of Notice: 12/13/00 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/1/00 Place: Lenox Road, NE & Woodland Avenue, NE
Department PUBLIC WORKS Division SEWER
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that he sustained vehicular damage when he drove over a sanitary sewer construction site that was not properly covered in the roadway. However, the claimant has failed to pursue his claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned X

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager  Concur/date 11-15-01
Committee Action: _____ Council Action _____

RCS# 3389
12/04/01
1:15 AM

Atlanta City Council

Regular Session

#13) 01-R-1947

#14) 01-R-1948

#15) 01-R-1949

#16) 01-R-1950

#17) 01-R-1951

MULTIPLE

Unfavorable Claims: #13 through #22
Except #19
ADOPT

#18) 01-R-1952

#20) 01-R-1960

#21) 01-R-1961

#22) 01-R-1962

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

NV McCarty
Y Starnes
Y Bond
Y Winslow

NV Dorsey
Y Woolard
NV Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

NV Thomas
Y Emmons
Y Alexander
NV Pitts

MULTIPLE